

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN EDWAN RYE, JR.,

Plaintiff,

v.

ERIE COUNTY PRISON, et al.,

Defendants.

Civil Action No. 08-193 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on July 1, 2008, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 55], filed on August 10, 2010, recommended that the motion for summary judgment filed by Defendant Prison Health Services, Inc. [Doc. No. 44] be granted and that the motion for summary judgment filed by Defendant Erie County Prison [Doc. No. 50] be granted. The parties were allowed fourteen (14) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the motions and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 30th day of August, 2010;

IT IS HEREBY ORDERED that the motion for summary judgment filed by Defendant Prison Health Services, Inc. [Doc. No. 44] is GRANTED and that the motion for summary judgment filed by Defendant Erie County Prison [Doc. No. 50] is GRANTED. JUDGMENT is hereby entered in favor of Defendants, Prison Health Services, Inc. and Erie County Prison and against the Plaintiff, John Edwan Rye, Jr.

The Report and Recommendation [Doc. No. 55] of Magistrate Judge Baxter, filed on August 10, 2010, is adopted as the opinion of the Court. The Clerk of Courts is directed to close the case.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge